

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X Civil Action No.: 17-cv-1865 (JFB)(AYS)

STEPHEN FLANAGAN, as a Trustee of the GENERAL
BUILDING LABORERS' LOCAL 66 VACATION FUND;
STEPHEN FLANAGAN, as a Trustee of the GENERAL
BUILDING LABORERS' LOCAL 66 PENSION FUND;
STEPHEN FLANAGAN, as a Trustee of the GENERAL
BUILDING LABORERS' LOCAL 66 WELFARE FUND;
STEPHEN FLANAGAN, as a Trustee of the GENERAL
BUILDING LABORERS' LOCAL 66 ANNUITY FUND;
STEPHEN FLANAGAN, as a Trustee of the GENERAL
BUILDING LABORERS' LOCAL 66 LABORERS'
EMPLOYER COOPERATIVE AND EDUCATIONAL
TRUST FUND; STEPHEN FLANAGAN, as a Trustee
of the GENERAL BUILDING LABORERS' LOCAL 66
GREATER NY LABORERS' EMPLOYER COOPERATIVE
AND EDUCATIONAL TRUST FUND; STEPHEN
FLANAGAN, as a Trustee of the GENERAL BUILDING
LABORERS' LOCAL 66 TRAINING PROGRAM;
STEPHEN FLANAGAN, as a Trustee of the GENERAL
BUILDING LABORERS' LOCAL 66 NEW YORK STATE
HEALTH AND SAFETY FUND; STEPHEN FLANAGAN,
as Business Manager of GENERAL BUILDING LABORERS'
LOCAL UNION NO. 66 of the LABORERS'
INTERNATIONAL UNION OF NORTH AMERICA,
AFL-CIO,

STIPULATION OF SETTLEMENT

U.S. DC

★ NOV 16 2017

LONG ISLAND

Plaintiffs,

-----against-----

MERENDINO INDUSTRIES CORP., FRANK MERENDINO
and SALVATORE GIABRUNO,

Defendants.

-----X

This Stipulation of Settlement, entered into the 27th day of October, 2017, between and among
the Employers, Merendino Industries Corp. and Frank Merendino (hereinafter collectively "Employers"),
and Frank Merendino, as an Individual, and the GENERAL BUILDING LABORERS' LOCAL UNION
NO. 66 TRUST FUNDS (hereinafter collectively "Funds") and STEPHEN FLANAGAN as Business
Manager of GENERAL BUILDING LABORERS' LOCAL UNION NO. 66 of the LABORERS'
INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO (hereinafter "Union");

WHEREAS, the Union and Employers are parties to a collective bargaining agreement (hereinafter "CBA") covering certain employees employed by Employers; and

WHEREAS, the CBA requires that Employers, *inter alia*, make periodic contributions to the Funds; and

WHEREAS, based only upon Funds' receipt of shop-steward reports and pay stubs, Employers have failed to make certain contributions to the Funds for the period from April 20, 2010 through and including October 2, 2011; and

WHEREAS, the parties have reached a settlement agreement relating to the issues raised in the above noted dispute:

IT IS HEREBY STIPULATED AND AGREED by and between the Funds and the Employers and Frank Merendino, as an Individual:

1. Employers and Frank Merendino, as an Individual, hereby agree to deliver to LaVelle Law & Associates, PC, 57 East Main Street, Patchogue, New York 11772, Attention William T. LaVelle, Esq., an original signed copy of this Stipulation of Settlement, original executed Affidavits of Confession of Judgment, in the forms annexed hereto as Exhibits "A" and "B" (These items must be delivered no later than October 16, 2017.)
5. This Stipulation supersedes all prior agreements and understandings between the parties and constitutes the entire agreement of the parties with respect to the time period and subject matter hereof. No provision of this Stipulation shall be modified, amended, extended, terminated or waived except by writing, specifically referring to this Stipulation and signed by all parties hereto.
6. This Stipulation of Settlement shall not be valid and in full force and effect until signed by a representative of the Funds and all documents due from the Employers (Signed Stipulation and Affidavits of Confession of Judgment) are received by the attorneys for the Funds, no later than October 16, 2017.

IN WITNESS WHEREOF, Employers, and Frank Merendino, as an Individual, and General Building Laborers' Local Union No. 66 Trust Funds and Union have duly executed this Stipulation of

Settlement on the dates set forth below.

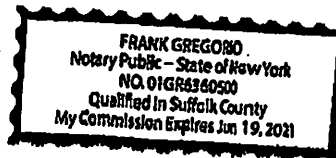
MERENDINO INDUSTRIES CORP.

By: 

FRANK MERENDINO, as President of the Corporation

On this 17 day of October, 2017, before me came, FRANK MERENDINO, to me known, who by me duly sworn did depose and state that deponent is President of MERENDINO INDUSTRIES CORP. and that he executed the foregoing Stipulation of Settlement, being informed of the contents of the instrument, as such member with full authority, executed the same voluntarily for and as the act of said limited liability company.


Notary Public

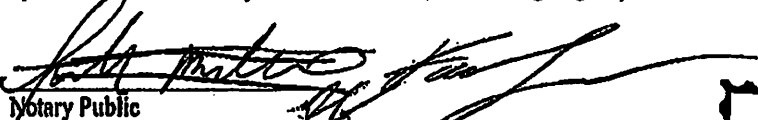


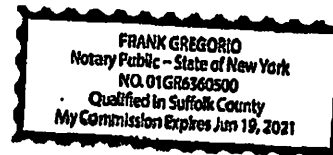
FRANK MERENDINO

By: 

FRANK MERENDINO, Individually

On this ___ day of October, 2017, before me came, FRANK MERENDINO, to me known, who by me duly sworn did depose that he executed the foregoing Stipulation of Settlement.


Notary Public



STEPHEN FLANAGAN, as a Trustee of the GENERAL
BUILDING LABORERS' LOCAL 66 VACATION FUND;
STEPHEN FLANAGAN, as a Trustee of the GENERAL
BUILDING LABORERS' LOCAL 66 PENSION FUND;
STEPHEN FLANAGAN, as a Trustee of the GENERAL
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STEPHEN FLANAGAN, as a Trustee of the GENERAL BUILDING LABORERS' LOCAL 66 NEW YORK STATE HEALTH AND SAFETY FUND

By:

Stephen Flanagan

Date: 10/27/17

STEPHEN FLANAGAN,
as Business Manager of GENERAL BUILDING LABORERS' LOCAL UNION NO. 66 of the LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO

By:

Stephen Flanagan

Date: 10/27/17

11/16/17

SO ORDERED:

Dated:

Central Islip, New York

Joseph F. Bianco
U.S.D.J.

JOSEPH F. BIANCO

United States District Court Judge